

# HOUSE BILL ANALYSIS

## SB 5053

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**Title:** An act relating to assaults against children.

**Brief Description:** Including parents under the age of eighteen in the crime of assault against a child.

**Sponsors:** Senators Fairley, Goings, Oke and Costa.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Jean Ann Quinn (786-7310).

**Background:**

The crime of assault of a child applies to adults age 18 or older who assault children under the age of 13. Persons under the age of 18 cannot be prosecuted for the crime.

Assault of a child has three degrees. Assault of a child in the first degree is committed when the person commits: 1) the crime of first-degree assault; or 2) intentionally assaults the child and either: a) recklessly inflicts great bodily harm; or b) causes substantial bodily harm and the person has previously engaged in a pattern or practice of either assaulting the child resulting in bodily harm greater than transient physical pain or minor temporary marks or of causing the child pain or agony that is equivalent to torture. (For a single assault, the primary difference between this crime and first-degree assault is that the perpetrator does not have to intend to inflict great bodily harm on the child.) It is a class A, seriousness level XII felony.

Assault of a child in the second degree is committed if the adult commits: 1) second-degree assault; or 2) intentionally assaults the child and causes bodily harm that is greater than transient pain or minor temporary marks and the person has previously engaged in a pattern or practice of assaulting the child or of causing the child pain or agony equivalent to that produced by torture. Assault of a child in the second degree is a class B, seriousness level IX crime.

Assault of a child in the third degree is committed if the adult commits third-degree assault against a child under age 13. It is a class C, seriousness level III crime.

**Summary:**

Persons under the age of 18 are included in the crime of assault of a child (in the first, second, and third degrees) if the person committing the assault is a parent of the child assaulted.

The crimes are added to the juvenile offense category grid as follows: first-degree assault of a child is an A offense, second-degree is a B+ offense, and third-degree is a C+ offense.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

Office of Program Research